

**IN THE CIRCUIT COURT
THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS**

ANNE SCHLAFLY CORI, et al.

Plaintiffs,

v.

EDWARD R. MARTIN, JR. et al.
Defendants

Cause No. 2016 MR 000111

AFFIDAVIT

Edward R. Martin, Jr., President of Eagle Forum, duly sworn upon oath, deposes and states as follows:

1. I am over the age of twenty-one (21) years and of sound mind. I make this Affidavit from my personal knowledge and from information provided to me by other employees of Eagle Forum, as further detailed below. I am competent to testify and would, if called, testify as follows.

2. I hold the position of President of Defendant Eagle Forum, a 501(c)(4) non-profit corporation. In carrying out my duties in this position, I have become familiar with the aspects of Eagle Forum's operations and activities that are relevant to this case. I continue in my role as President to this day.

3. I also hold the position of President of Eagle Forum Education and Legal Defense Fund, a 501(c)(3) non-profit corporation ("Education Fund"). In carrying out my duties in this position, I have become familiar with the aspects of the Education Fund's operations and activities that are relevant to this case.

4. My duties in this position include overseeing and directing all activities of Eagle

Forum and its employees and presiding over meetings of Eagle Forum's Board of Directors, and other meetings of the organization, managing and overseeing staff and volunteers. As such, I have personal knowledge regarding the contents of and access to the database of contact information (including mailing and email addresses) of Eagle Forum leaders, members, volunteers, and followers ("Contact List").

5. Through the course of my duties in this position, I have obtained personal knowledge of events relating to the release and use of Eagle Forum's proprietary Contact List to the Ted Cruz campaign at the direction of Anne Cori.

6. Through the course of my duties in this position, I have also received information from other employees relating to the release and use of Eagle Forum's Contact List to the Ted Cruz campaign at the direction of Anne Cori.

7. I was also present by telephone on the April 11, 2016 teleconference at 2:00 p.m., during which Plaintiffs Anne Cori, Cathie Adams, Shirley Curry, Carolyn McLarty, Eunie Smith and Rosina Kovar purported to hold a meeting of the Board of Directors of Eagle Forum. I have personal knowledge of the events that took place during that call.

8. Based on the foregoing, it is my testimony that:

- a. Eagle Forum maintains a proprietary Contact List of leaders, members, volunteers, and followers.
- b. Eagle Forum does not provide this Contact List to political campaigns and only uses it for Eagle Forum purposes.
- c. Sarah Erdos was a contactor to the Education Fund. Ms. Erdos advised me that she is a part-time employee of Senator Ted Cruz's campaign for the Republican Nomination for President of the United States.

d. On approximately November 5, 2015, I was informed by Rebekah Gantner, an Education Fund employee, that Ms. Erdos had asked for the state leader portion of Eagle Forum's propriety Contact List, in Excel file format.

e. Because Ms. Erdos asked for the state leader portion of the list in Excel file format, I became suspicious of why she needed the list in this format.

f. As President of Eagle Forum, I later became aware of complaints from Kitty Werthmann, the Eagle Forum state leader for South Dakota, that the Cruz campaign was directly contacting her by telephone, soliciting her personal information and endorsement, and suggesting to her that Eagle Forum endorsed Senator Cruz for President.

g. Ms. Werthmann provided me the number from which the call had been made. I then looked up that phone number and determined that it was registered to a company connected with the Cruz campaign.

h. I then confronted Ms. Erdos and asked her about why she was requesting Eagle Forum's Contact List in Excel file format, and why the Cruz campaign was contacting Eagle Forum state leaders. Ms. Erdos stated that she had the list and in providing it to the Cruz campaign was "doing what [she] was told and if [I had] any questions, [I] should contact Anne Cori."

i. Neither any officer nor the Board of Directors of Eagle Forum authorized Ms. Cori to release its proprietary Contact List to any campaign.

j. On March 29, 2016, Phyllis Schlafly received a notice from Cathie Adams, Shirley Curry and Eunie Smith that an Eagle Forum Board of Directors meeting was being held via teleconference on April 11, 2016; I was only provided a copy of that

notice by Phyllis Schlafly.

k. The notice provided the “call is open only to existing C4 Governing Board members, who are Chairman Phyllis Schlafly, Vice Chairman Anne Cori, First Vice President Eunie Smith, Second Vice President Cathie Adams, Shirley Curry, Rosina Kovar, Carolyn McLarty; Andy Schlafly, John Schlafly, LaNeil Spiey, Kathleen Sullivan.” Additionally, it provided the First Vice President would preside over the meeting.

l. On April 10, 2016, Eagle Forum informed Plaintiffs Annie Cori, Eunie Smith, Cathie Adams, Shirley Curry, Rosina Kovar, and Carolyn McLarty that the notice for their meeting and its purposed form did not conform to Eagle Forum’s Bylaws.

m. Despite warning regarding the deficiencies in their notice, the Plaintiffs proceeded to hold the purported Eagle Forum Board meeting on April 11, 2016 at 2:00 pm. Defendants all objected to the meeting not being properly noticed or of proper form in person.

n. I received emails from Chairman and Chief Executive Officer Phyllis Schlafly, Treasurer and Director John Schlafly, Director Andrew Schlafly, Director LaNeil Spivy and Director Kathleen Sullivan objecting to the notice and form of the meeting.

o. I joined the call with Phyllis Schlafly and John Schlafly. Ms. Schlafly and John Schlafly orally objected to the meeting.

p. Cori, Smith, Adams, Curry, Kovar, and McLarty were also on the call.

q. I presided over the meeting, as provided by Eagle Forum Bylaws, and adjourned the meeting as not proper in notice or form. However, at 2:11 pm Plaintiffs

mutated the line that Phyllis Schlafly, John Schlafly and myself had joined to purportedly enter an executive session with Eunie Smith presiding. I did not voluntarily relinquish my role as presiding officer. There was no vote to remove me as presiding officer. I did not preside over the motion to enter executive session or any subsequent motion.

r. Cori, Smith, Adams, Curry, Kovar, and McLarty proceeded to purportedly pass resolutions removing me as President, appointing Smith Interim President, appointing Curry as the head of a search committee for a new president, appointing Cori Executive Director, changing the signature authorizations for Eagle Forum's financial accounts from Phyllis Schlafly and John Schlafly to Cori, Smith and Lois Linton, instituting a conflict of interest policy prohibiting any individual from serving as a director and employee of Eagle Forum in an attempt to remove John Schlafly from the Directors, to hire a certified public accountant to audit Eagle Forum, and to hold a Board of Directors meeting on May 2, 2016 to discuss removing Directors from the Board.

s. Each of these resolutions was purportedly passed with only 6 votes.

t. Since 1975, Eagle Forum has been given donations of more than \$21.5 million.

u. Eagle Forum currently has approximately \$4 million of donations in financial accounts.

v. Eagle Forum averages approximately \$12,000 in donations per week.

Edward R. Martin, Jr.
Edward R. Martin, Jr.

President
Eagle Forum

STATE OF MISSOURI)
) SS.
COUNTY OF ST. LOUIS)

On this 26th day of April 2016, before me personally appeared Edward Martin to me known to be the person described in and who executed the foregoing Affidavit, and who, being duly sworn by me, did acknowledge that he/she executed the same as his/her free act and deed and further did state that the statements made herein are true to the best of his/her knowledge, information and belief.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix my official seal in the County and State aforesaid, the date and year written above.

Chelsea L. Langeneckert
Notary Public

My Commission Expires:

October 9, 2018

